

TRIPEP.23AUS2

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	Sallberg et al.	Group Art Unit 1648
Appl. No.	:	09/929,955	
Filed	:	August 15, 2001	
For	:	VACCINES CONTAINING RIBAVIRIN AND METHODS OF USE THEREOF	
Examiner	:	Li, Bao	

TERMINAL DISCLAIMER

Pursuant to 37 C.F.R. § 1.321(b) the undersigned attorney of record is empowered to act on behalf of the Assignee (Tripep AB).

In accordance with 37 C.F.R. § 3.73(a), Assignee represents that it is the owner of the entire right, title and interest to the above-referenced application, which claims the benefit of priority to U.S. Patent Application Nos. 60/225,767 and 60/229,175. The Assignment of U.S. Patent Application Serial No. 09/929,955 and all continuations thereof from the inventors to the Assignee, has been sent to the United States Patent and Trademark Office for recordation. A copy of this Assignment is provided herewith.

A copy of the Assignment of U.S. Patent Application Serial No. 09/705,547 and all continuations thereof, including U.S. Patent Application No. 10/104,966, from the inventors to the Assignee is also provided herewith. The Assignment of U.S. Patent Application Serial No. 09/705,547 and all continuations thereof, including U.S. Patent Application No. 10/104,966, from the inventors to the Assignee, was recorded by the United States Patent and Trademark Office on December 4, 2000 and can be found at Reel no. 011354, Frame no. 0919.

These Assignments represent the entire chain of title of this invention from the inventors to the Assignee. Assignee represents that, to the best of its knowledge and belief, title is in the Assignee seeking to take action.

Assignee hereby disclaims, except as provided below, the terminal part of any patent granted on the above-captioned application which would extend beyond the expiration date of the full statutory term of a patent that issues to U.S. Patent Application Serial No. 10/104,966, and hereby agrees that any patent so granted on the above-captioned application shall be enforceable only for

**Appl. No.:** 10/104,966  
**Filed:** March 22, 2002

and during such period that the legal title to said patent shall be the same as the legal title to a patent that issues to U.S. Patent Application Serial No. 10/104,966. This agreement extends to any patent granted on the above-captioned application and shall be binding on its successors or assigns.

Assignee does not disclaim any terminal part of any patent granted on the above-referenced application prior to the earlier of the expiration date of the full statutory term of a patent that issues to U.S. Patent Application Serial No. 10/104,966, and that of any patent issuing on the above-captioned application in the event that either one later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term, except for the separation of legal title stated above.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: August 28, 2003

By: 

Eric S. Furman, Ph.D.  
Registration No. 45,664  
Attorney of Record  
2040 Main Street  
Fourteenth Floor  
Irvine, CA 92614  
(619) 235-8550

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Date: August 15, 2001

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Client Code: TRIPEP.23AUS2  
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## ASSIGNMENT

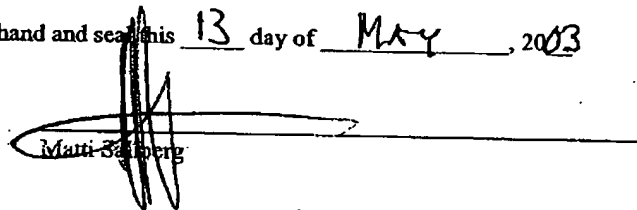
WHEREAS, We, Matti Sallberg, a Swedish citizen, residing at Pukslagargatan 59, 125 33 Alvsjö, Sweden, and Catharina Hultgren, a Swedish citizen, residing at Heleneboresgatan S2, 5tr., 11732 Stockholm, Sweden, have invented certain new and useful improvements in a VACCINES CONTAINING RIBAVIRIN AND METHODS OF USE THEREOF for which we have filed an application for Letters Patent in the United States, Application No. 09/929,955, filed on August 15, 2001;

AND WHEREAS, TRIPEP AB (hereinafter "ASSIGNEE"), a Corporation, with its principal place of business at Hälsovägen 7, SE-141 57 Huddinge, Sweden, desires to acquire the entire right, title, and interest in and to the said improvements and the said Application:

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to me in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, we, the said inventors, do hereby acknowledge that we have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its successors, legal representatives and assigns, the entire right, title, and interest throughout the world in, to and under the said improvements, and the said application and all provisional applications relating thereto, and all divisions, renewals and continuations thereof, and all Letters Patent of the United States which may be granted thereon and all reissues and extensions thereof, and all rights of priority under International Conventions and applications for Letters Patent which may hereafter be filed for said improvements in any country or countries foreign to the United States, and all Letters Patent which may be granted for said improvements in any country or countries foreign to the United States and all extensions, renewals and reissues thereof; and we hereby authorize and request the Commissioner of Patents of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents on applications as aforesaid, to issue all Letters Patent for said improvements to the said ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND WE HEREBY covenant and agree that we will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known to us respecting said improvements, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing and reissue applications, make all rightful oaths and generally do everything possible to aid the said ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper patent protection for said improvements in all countries.

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 13 day of May, 2003

  
Matti Sallberg

STATE OF SWEDEN }  
COUNTY OF STOCKHOLM } ss.

On May 21, 2003, before me, STEFAN WALHAGEN, personally appeared Matti Sallberg, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity(ies), and that by his signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.



  
Notary Signature

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IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 20 day of May, 2003

Catharina Hultgren  
Catharina Hultgren

STATE OF SWEDEN }  
COUNTY OF STOCKHOLM } ss.

On May 21, 2003, before me, STEFAN WALHAGEN, personally appeared Catharina Hultgren ~~personally known to me~~ (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that she executed the same in her authorized capacity(ies), and that by her signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.



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[Signature]  
Notary Signature

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Client Code: TRIPEP.023AUS  
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## ASSIGNMENT

WHEREAS, We, Matti Sällberg, a Swedish citizen, residing at Pukslagargatan 59, 125 33 Alvsjö, Sweden and Catharina Hultgren, a SWEDESH citizen, residing at HELENEBORSGATAN 52, 5tr. 11732 STOCKHOLM SWEDEN, have invented certain new and useful improvements in a VACCINES CONTAINING RIBAVIRIN AND METHODS OF USE THEREOF for which we have filed an application for Letters Patent in the United States filed November 3, 2000;

AND WHEREAS, Tripep AB (hereinafter "ASSIGNEE"), with its principal place of business at Hälsovägen 7, SE-141 57 Huddinge, Sweden, desires to acquire the entire right, title, and interest in and to the said improvements and the said Application:

NOW, THEREFORE, for good and valuable consideration, the receipt of which is hereby acknowledged, we, the said inventors, do hereby acknowledge that we have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its successors, legal representatives and assigns, the entire right, title, and interest throughout the world in, to and under the said improvements, and the said application and all divisions, renewals and continuations thereof, and all Letters Patent of the United States which may be granted thereon and all reissues and extensions thereof, and all rights of priority under International Conventions and applications for Letters Patent which may hereafter be filed for said improvements in any country or countries foreign to the United States, and all Letters Patent which may be granted for said improvements in any country or countries foreign to the United States and all extensions, renewals and reissues thereof; and we hereby authorize and request the Commissioner of Patents of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents on applications as aforesaid, to issue all Letters Patent for said improvements to the said ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND WE HEREBY covenant and agree that we will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known to us respecting said improvements, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing and reissue applications, make all rightful oaths and generally do everything possible to aid the said ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper patent protection for said improvements in all countries.

This 21 day of NOVEMBER, 2000

Catharina Hultgren  
Signature of Catharina Hultgren

WITNESS:

Peter J. Huddleston

WITNESS:

Matti Sällberg

This 21 day of NOVEMBER, 2000

Matti Sällberg  
Signature of Matti Sällberg

WITNESS:

Peter J. Huddleston

WITNESS:

Matti Sällberg

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**SUBJECT: DECISION ON TERMINAL DISCLAIMERS INFORMAL FORM**

DATE: 12-15-03

APPL. S.N.: 091929955

TO EXAMINER: B. Li

ART UNIT: 1448

MOSE MONTGOMERY ROOM 11E18

MAILROOM DATE 8-28-03

AFTER FINAL YES ☐ NO ☒ NUMBER OF T.D(S). FILED 1

**INSTRUCTIONS:** I have reviewed the submitted T.D. with the results as set forth below. If you agree, please use the appropriate form paragraphs identified by this informal memo in your next office action to notify applicant about the T.D. If you disagree with my analysis or have questions at all about the acceptability of the T.D., please see me or our Special Program Examiner. THIS MEMO IS AN INFORMAL, INTERNAL MEMO ONLY. IT MUST NOT BE MAILED TO APPLICANT, NOR SHOULD A COPY BE LEFT IN FILE.

☒ The T.D. is PROPER and has been recorded. (See 14.23).

☐ The T.D. is NOT PROPER and has not been accepted for the reason(s) checked below. (See 14.24).

☐ The recording fee of \$\_\_\_\_\_ has not been submitted nor is there any pre authorization in the application file to charge to a deposit account. (See 14.26.07)

☐ Application Examiner has not processed T.D. fee. (See fee authorization).

☐ The T.D. does not satisfy Rule 321(b)(3) in that the person who has signed the T.D. has not stated his/her interest (and/or the extent of the interest of the business entity represented by the signature) in the application/patent. (See 14.26 and 14.26.01).

☐ The T.D. lacks the enforceable only during the common ownership clause needed to overcome a double patenting rejection, Rule 321(c). (See 14.27, 14.27.01).

☐ It is directed to a particular claims(s), which is not acceptable since "the disclaimer must be of a terminal portion of the term of the entire patent to be granted". MPEP 1490. (See 14.26, 14.26.02).

☐ The person who signed the terminal disclaimer:

☐ has failed to state his/her capacity to sign for the business entity, (See 14.28).

☐ is not recognized as an officer of the assignee, (See 14.29 and possibly 14.29.01).

☐ No documentary evidence of a chain of title from the original inventor(s) to assignee has been submitted, nor is the reel and frame specified as to where such evidence is recorded in the office. 37 CFR 3.73(b). (See 1140 O.G. 72). **NOTE:** This documentary evidence or the specifying of the reel and frame may be found in the T.D. or in a separate paper submitted by applicant. (See 14.30).

☐ No "statement" specifying that the evidentiary documents have been reviewed and that, to the best of the assignee's knowledge and belief the title is in the assignee seeking to take action. 37 CFR 3.73(b). (See 1140 O.G. 72) (See 14.31).

☐ The T.D. is not signed. (See 14.26, 14.26.3). or 14.26.03 if TD is not signed by all the owners.

☐ Attorney not of record in oath/decl. or a separate paper filed appointing a new or associate attorney. (See 14.29.01).

☐ The serial number of the application (or the number of the patent) which forms the basis for the double patenting is missing or incorrect. (See 14.32).

☐ The serial number of this application (or the number of the patent in reexam or reissue case(s) being disclaimed is missing or incorrect. (See 14.26, 14.26.04 or 14.26.05).

☐ The period disclaimed is incorrect or not specified. (See 14.27, 14.27.2 or 14.27.3)(For Samples 14.27.04 and 14.27.05)

☐ Other: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

☐ Suggestion to request refund of \$\_\_\_\_\_. (See 14.35, 14.36).

☐ **EXAMINER NOTE: IF APPLICATION IS IN CONDITION FOR ALLOWANCE ANY OF THE ABOVE INFORMALTIES MAY BE FAXED IN TO THE GROUP**

**FOR SAMPLE TERMINAL DISCLAIMERS AND CERTIFICATES:**

☐ Sample of a TD over a pending application and assignee Certificate (See 14.37).

☐ Sample of a TD over a prior patent and assignee Certificate (See 14.38).

☐ Sample Assignee Certificate under 37 CFR 3.73 (b) (See 14.39)

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Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: August 28, 2003

By: 

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